IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Crl.MC.No. 2926 of 2007()

SC.413/2001 of ADDL.SESSIONS COURT,-I, MAVELIKKARA
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PETITIONER: IST ACCUSED

PRASANNAN, S/O.GANESHAN, CHANGIATH HOUSE, PALLIKKAL MURI, PALAMMEL VILLAGE, MAVELIKKARA.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI.JIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON 26/09/2007 PASSED THE FOLLOWING:

ORDER

THE REGISTRY HAS ASCERTAINED FROM THE LEARNED JUDGE AND IT IS REPORTED THAT THE TRIAL HAS BEEN RESCHEDULED TO COMMENCE ON 1/11/07.

THE LEARNED COUNSEL FOR THE PETITIONER, IN THESE CIRCUMSTANCES, PRAYS AND ACCORDINGLY THIS CRL.M.C. IS DISMISSED AS WITHDRAWN.

26/9/2007 SD/- R. BASANT, JUDGE.

//TRUE COPY//

P.S. TO JUDGE

R. BASANT, J.

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Crl.M.C.No. 2926 of 2007

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Dated this the 20th day of September, 2007

O R D E R

The short grievance of the petitioner, who is the first accused in a sessions case pending before the First Addl. Sessions Court, Mavelikkara for offences punishable, inter alia, under Section 302 I.P.C., is that the application filed by her seeking re-scheduling of the sessions trial by her counsel, though filed as early as on 4.9.07, is not disposed of by the learned Sessions Judge and the same has been most unjustifiably posted along with the Sessions case for hearing to 24.9.2007. The case is listed for trial on that day.

2. I am certainly not satisfied with the procedure adopted by the learned Sessions Judge, if the submissions made in the Crl.M.C. are correct. The counsel has a duty to the court to ensure that the schedule of trial in a sessions case is not disturbed without sufficient and convincing reasons. He is engaged in a sensational murder case trial in which is going on day today and which is expected to be completed only by the end of October, 2007. The counsel appears to have realised his duty and he had made an application as early as on 4.9.07. The learned Sessions Judge must either allow the application

or reject the same. If the learned Sessions Judge allows the application, the petitioner can wait in peace for the next date of posting. If the application is rejected, the petitioner must make alternate arrangements. In any view of the matter, keeping the petition without disposal is not justified.

3. Call for a report from the learned First Addl. Sessions Judge, Mavelikkara as to what orders have been passed in the application dt.4.9.07, said to be filed by the petitioner's counsel for re-scheduling of the sessions trial. Such report shall reach this court by 25.9.07. The Registry shall ensure that the report is obtained by that date.

4. Hand over the order.

(R. BASANT)
Judge

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